

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAROLS MANUEL HIDALGO,

Plaintiff,

-v-

No. 12CV9009-LTS

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed Judge Netburn's September 1, 2016, Report and Recommendation (the "Report"), which recommends that Plaintiff's counsel's request for attorneys' fees be granted. Specifically, the Report recommends that attorneys' fees be awarded in the amount of \$24,938.25, which represents 25 percent of past due benefits pursuant to 42 U.S.C. § 406(a), minus \$9,995.00 that Plaintiff's attorney already received, for a total award of \$14,943.25. The Report also recommends that Plaintiff's attorney be ordered to refund directly to Plaintiff the previously awarded fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, of \$9000.00. No objections to the Report have been received.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C) (LexisNexis 2001). "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Johnson v. New York University School of Education, No. 00 Civ. 8117, 2003 WL 21433443, *1 (S.D.N.Y. Jun. 16, 2003).

The Court has reviewed carefully Magistrate Judge Netburn's Report and Recommendation and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Accordingly, the motion for attorneys' fees is granted, in the amount of \$14,943.25, and Plaintiff's counsel is ordered to refund directly to Plaintiff the previously awarded EAJA fees of \$9,000.

The Clerk of Court is respectfully requested to terminate docket entry number 36.

SO ORDERED.

Dated: New York, New York
April 10, 2017

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge